

EX PARTE OR LATE FILED

National Cable Television Association

Loretta P. Polk
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Federal Communications Commission

24 Massachusetts Avenue, Northwest
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February 13, 1995

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EX PARTE

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

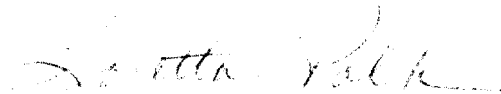
Re: Compatibility Between Cable Systems and Consumer
Electronics Equipment, ET Docket No. 93-7

Dear Mr. Caton:

Enclosed for filing are an original and one copy of the enclosed letter to Richard Smith, Chief, Office of Engineering and Technology, for inclusion in the record of the above-captioned proceeding. The service list is also attached for filing.

Thank you for your attention to this matter.

Sincerely,



Loretta P. Polk

Enclosure

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National Cable Television Association

FEDERAL COMMUNICATIONS COMMISSION
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1724 Massachusetts Avenue, Northwest
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202 775-3550

February 13, 1995

BY HAND

Mr. Richard Smith, Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W.
Room 7002
Washington, D.C. 20554

Re: Compatibility Between Cable Systems and Consumer
Electronics Equipment, ET Docket No. 93-7

Dear Mr. Smith:

As you may be aware, the Consumer Electronics Group of the Electronic Industries Association ("EIA") recently filed a series of ex parte statements regarding the Decoder Interface in the above-referenced proceeding, culminating in a February 3, 1995 announcement of its withdrawal from the proposed interface standard. Specifically, EIA is withdrawing its support for the Decoder Interface proposal filed on August 15, 1994 and the current draft Decoder Interface Standard (IS-105) developed by the Cable-Consumer Electronics Compatibility Advisory Group ("C³AG"). It also announced that it intends to file a draft of a descrambling-only decoder interface standard as soon as it is completed.

This action represents a unilateral repudiation of almost two years of negotiation and agreement between the cable industry and the consumer electronics industry to effectuate the Congressional objective in section 17 of the 1992 Cable Act -- ensuring compatibility between cable systems and consumer TV receivers and video cassette recorders, consistent with the need to prevent theft of cable service. In fulfilling this objective, the Commission concluded in its First Report and Order that the Decoder Interface connector and associated component devices recommended by the C³AG for new "cable-ready" equipment would achieve long-term compatibility and accommodate new technologies and services, including digital transmissions.

Mr. Richard Smith
February 10, 1995
Page 2

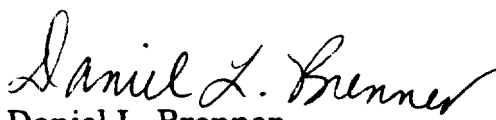
Based on this fundamental premise, the Joint Engineering Committee of the C³AG has worked diligently to complete the design and specifications of the Decoder Interface standard. Ironically, EIA's pullout comes at a time when engineers on both sides continue to meet in the various subcommittees to hammer out the final details of the Decoder Interface. EIA's attempts to characterize the negotiations as one-sided are wholly inaccurate and counterproductive. Indeed, EIA did not seek the approval of, nor even consult with, the C³AG before withdrawing its support for the Decoder Interface.


The cable industry has negotiated in good faith with the consumer electronics industry. The issue separating the two sides is the remote control command set -- the means by which consumers will communicate with competitively-supplied services provided by cable, telephone, satellite and other providers and located in the set-back modules. As NCTA has maintained throughout this proceeding, a versatile and inter-operable command set is a prerequisite to ensuring maximum consumer choice in such services as on-screen guides, menu navigation, interactive services, and other as yet undefined future services. A limited command set, and certainly a descrambling-only interface approach, completely defeats this objective.

While EIA's ex parte statements are rife with factual errors and misrepresentations, we do not believe that further written ex parte communication with the Commission is a productive mechanism for resolving this highly complex and critical next step in the delivery of video and other information services to the American public. Both sides failed to come to an agreement. It now becomes necessary to proceed through the FCC's notice and comment procedures, in which all interested parties are invited to fully debate the relevant issues. Therefore, NCTA will not respond to the specific factual claims and legal assertions contained in the EIA and Consumer Electronics Retailers Coalition ex parte documents at this time.

Nevertheless, the cable industry remains committed to the Decoder Interface standards-setting process. We urge the Commission, however, to release its Further Notice of Proposed Rulemaking on this matter as soon as possible.

Sincerely,


Daniel L. Brenner
Vice President
Law and Regulatory Policy



Wendell H. Bailey
Vice President
Science and Technology

Mr. Richard Smith
February 10, 1995
Page 3

cc: John Nakahata, Office of Chairman Hundt
Maureen O'Connell, Office of Commissioner Quello
Lisa Smith, Office of Commissioner Barrett
Mary McManus, Office of Commissioner Ness
Jill Lockett, Office of Commissioner Chong
Bruce Franca, Office of Engineering and Technology
R. Alan Stillwell, Office of Engineering and Technology
John Wong, Cable Services Bureau

CERTIFICATE OF SERVICE

I, Leslie D. Heath, do hereby certify that on this 13th day of February, 1995, copies of the foregoing "Letter to Richard Smith, Chief, Office of Engineering and Technology, Federal Communications Commission" was delivered by first-class, postage pre-paid mail upon the attached list.


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